

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

FELICIA BYERS

Plaintiff,

v.

HSBC PAY SERVICES INC.,

Defendant.

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C.A. No. 05-711-GMS

NOTICE OF SUBPOENA

To: Gary W. Aber, Esquire
Aber, Goldlust, Baker & Over
702 King Street, Suite 600
P. O. Box 1675
Wilmington, Delaware 19899

PLEASE TAKE NOTICE that on September 21, 2006, the attached subpoena was served
on the following in accordance with Rule 45 of the Federal Rules of Civil Procedure:

H. Garrett Baker, Esquire



Jennifer Q. Jauffret (#3689)

Jauffret@rlf.com

Kelly A. Green (#4095)

Green@rlf.com

Richards, Layton & Finger

One Rodney Square

P. O. Box 551

Wilmington, Delaware 19899

(302) 651-7700

Attorneys for Defendant

Dated: September 22, 2006

United States District CourtDISTRICT OF **DELAWARE****FELICIA BYERS,****Plaintiff,**

v.

SUBPOENA IN A CIVIL CASE**HSBC PAY SERVICES INC.,****Defendant.**CASE NUMBER: **05-711-GMS**

TO: H. Garrett Baker, Esquire
 Elzufon Austin Reardon Tarlov & Mondell
 300 Delaware Ave., Suite 1700
 Wilmington, Delaware 19801

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

COURTROOM

DATE AND TIME

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION

DATE AND TIME

X YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects): Any and all witness statements, deposition transcripts, exhibits, pleadings, correspondence, affidavits, medical records, diagnostic tests and any other documents relating to Felicia Byers (DOB 03/30/76, SS# 221-46-9565). A Medical Authorization is attached hereto which further specifies some of the documents requested.

PLACE

DATE AND TIME

Richards, Layton & Finger, One Rodney Square, 920 King St., Wilm., DE 19801

October 3, 2006 by 5:00 p.m.

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES

DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)

Attorney for Defendant

DATE September 21, 2006

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER Jennifer C. Jauffret (#3689), Richards, Layton & Finger, One Rodney Square, P.O. Box 551, Wilmington, DE 19899; (302) 651-7700.

(See Rule 45 Federal Rules of Civil Procedure Parts C & D on Reverse)

PROOF OF SERVICE

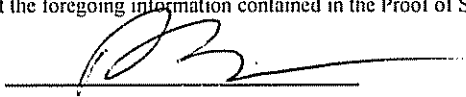
	<u>DATE</u>	<u>PLACE</u>
SERVED	9/21/06	300 DELAWARE AVE. WILMINGTON, DE
<u>SERVED ON (Print Name)</u>		<u>MANNER OF SERVICE</u>
H. GARRETT BAKER, ESQ.		ACCEPTED BY BARBARA LOVETTE
<u>SERVED BY</u>		<u>TITLE</u>
BARRY EVELAND		PROCESS SERVER

DECLARATION OF SERVER

I declare under penalty of perjury under the law of the State of Delaware that the foregoing information contained in the Proof of Service is true and correct

Executed on:

9/21/06


SIGNATURE OF SERVER
BRANDYWINE PROCESS SERVERS
P. O. BOX 1360
WILMINGTON, DE 19899-1360

Rule 45, Federal Rules of Civil Procedure, Parts C&D:

(c) Protection of Persons subject to Subpoenas

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing under burden or expense on a person subject to that subpoena. The Court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial

(B) Subject to paragraph (d)(2) of this rule a person commanded to produce and permit inspection and copying may, within 14 days after service of the subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the Court. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded

(3)(A) On timely motion, the Court shall quash or modify the subpoena if it

- (i) fails to allow reasonable time for compliance,
- (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regular transacts business in person, except that, subject to the provisions of clause (c)(3)(13)(iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the State in which the trial is held, or
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or

(iv) subjects a person to undue burden

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or

(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or

(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonable compensated, the court may order appearance or production only specified conditions

(d) Duties in Responding to Subpoena.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim

AUTHORIZATION FOR RELEASE OF MEDICAL RECORDS/INFORMATION

Re: Felicia Byers
DOB: :
SS #:

MAY 12 2006

I, Felicia Byers, authorize any physician, psychiatrist, psychologist, osteopath, chiropractor, acupuncturist, therapist, dentist, podiatrist, nurse practitioner, social worker, psychiatric social worker, counselor, medical technician, medical lab, hospital, health clinic, or any other health care provider to furnish to HSBC Pay Services, Inc. ("HSBC") and/or its attorneys all records, tests, test results, opinions, reports, notes, tapes (audio or video), summaries, charts, graphs, telephone slips/messages, records of patient visits, billing records, insurance records, notes/records of prescriptions or drugs provided or prescribed, x-rays, photostatic copies, abstracts, or excerpts of any records, or any other document in your custody or under your control or any information within your knowledge relating in any way to any treatment, evaluation, assessment, or other service provided by you or anyone else to me for any alleged/reported illness, medical condition, or physical, mental, emotional, psychological, or psychiatric condition.

I hereby waive any physician-patient privilege, any HIPAA right or any other privilege or right I may otherwise have to said information. Outpatient as well as inpatient records are to be released. This authorization also allows for the release of medical records that you have received from other providers.

All documents and information should be produced to Kelly A. Green of Richards, Layton & Finger, One Rodney Square, 920 King Street, Wilmington, Delaware 19801. You are instructed to honor promptly any request for such records and information that may be submitted to you. A copy of this Release, including a copy sent by facsimile transmission, shall be accepted as the original.

I hereby release all persons connected with any request for information or records pursuant to this Release from all claims and liability that may arise from the release or use of such information.

This authorization is valid for 18 months from the date indicated below, or until revoked by me in writing.

Signed: Felicia Byers Date May 10, 2006
Felicia Byers

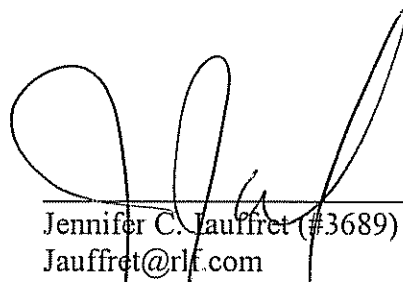
NOTE: This authorization is conditioned upon copies of any materials obtained through its use being supplied by HBCS Pay Services, and ~~not~~ of its attorneys ~~to my~~ attorney, Gary W. Aber, Esquire. Further, this authorization is an authorization for medical records or my treatment, and ~~is not~~ an authorization to communicate verbally or otherwise with any healthcare provider.

UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2006, I electronically filed the foregoing Notice of Subpoena with the Clerk of Court using CM/ECF which will send notification of such filing to the following and on September 22, 2006, mailed, via first class mail, postage prepaid, copies of the same to:

Gary W. Aber, Esquire
Aber, Goldlust, Baker & Over
702 King Street, Suite 600
P. O. Box 1675
Wilmington, Delaware 19899



Jennifer C. Jauffret (#3689)
Jauffret@rlf.com

Kelly A. Green (#4095)
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Attorneys for Defendant